

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: PET FOOD PRODUCTS LIABILITY
LITIGATION

MDL Docket 1850 (All Cases)

Civil Action No. 1:07-cv-02867-NLH-
AMD

Motion returnable for 2/2/2009 before
Judge Noel L. Hillman

**JIM W. JOHNSON AND DUSTIN TURNER'S
OPPOSITION TO PLAINTIFFS' MOTION FOR APPEAL BOND
FROM OBJECTORS/APPELLANTS (DOC. 284)**

To the Honorable District Judge Noel L. Hillman:

Appellant/Objectors Johnson and Turner oppose Plaintiff's Motion For Appeal Bond From Objectors/Appellants Jim W. Johnson and Dustin Turner and From Objectors/Appellants Margaret Picus And Daniel Kaffer, Doc. 284, in its entirety. In support thereof, Johnson and Turner state as follows:

1. Johnson and Turner rely on the legal arguments made in their Memorandum Of Law In Opposition To Plaintiffs' Motion For Appeal Bond From Objectors/Appellants, filed simultaneously with this Reply.
2. Johnson and Turner rely on the Declaration of Jeffrey Weinstein, filed simultaneously with this Reply.
3. Johnson and Turner rely on the transcript of the final fairness hearing in this cause.
4. District courts lack the authority to include attorneys' fees in the Rule 7 cost bond.
5. Plaintiffs failed to provide any evidence that Johnson and Turner themselves brought the appeal in bad faith. The allegations against their attorneys are not relevant.

6. Even if the allegations against the attorneys were relevant, those allegations all pertain to *other cases* for which the attorneys represented *clients other than Johnson and Turner*.
There is no evidence of bad faith *in this case*.
7. The allegations of bad acts by the attorneys in previous cases are without merit.
8. The Settlement provides that Class Counsel cannot recoup any additional fees from the class, so as a matter of law the bond cannot include fees that the class cannot incur.
9. The main argument on appeal by the Picus objectors and Johnson and Turner will be the same. Thus, Plaintiffs will incur the attorneys' fees for briefing and arguing the appeal whether or not Johnson and Turner are in the appeal.
10. To ensure that class action objectors can participate in the process, the court should not require Johnson and Turner to post any cost bond t.
11. As a matter of law the court cannot include interest in the bond.

Wherefore, for the reasons set forth herein and the accompanying Memorandum of Law, Johnson and Turner respectfully request that the court deny the Motion in its entirety and grant such other and further relief as to which Johnson and Turner may be entitled.

Respectfully submitted,



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